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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,453	10/18/2001	Jens B. Junkermann	10022/093	6887

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EXAMINER

STEVENS, ROBERT

ART UNIT PAPER NUMBER

2162

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/981,453

Applicant(s)

JUNKERMANN, JENS B.

Examiner

Robert Stevens

Art Unit

2162

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 31 July 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 21,22,24-30,32,33,41-50,64-77 and 79.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant asserts on page 15 that the cited references do not teach pre-specification of a data type in an application. The Office respectfully disagrees. Data types are explicitly taught in at least the Lection reference. The specific datatype defined and where that software module using the variable having been defined as a specific data type was an obvious variant to one skilled in the art at the time of the invention.

Applicant asserts on page 15 that the cited references do not teach format translation. The Office respectfully disagrees. At least Burkett teaches the use of a DOM to construct a model for updating a file format to reflect changing information, as described in the Abstract of Burkett, for example.

Applicant asserts on page 7 that the references do not teach flags and a list of expected fields. The Office respectfully disagrees. At least Burkett, at Figure 4E teaches a list of fields as represented by nodes 421a, 422a and 423a and showing a pre-determined list of GUI fields associated with a panel, and column 4 lines 55-60 discussing the use of a conditional tag that acts as a flag to indicate whether a particular action is to take place (analogous to selecting a particular field).

Applicant asserts on page 15 that the references do not teach conversion based upon pre-specified data types. The Office respectfully disagrees. Format conversions are based upon both a source and a target format, as implied in the Abstract discussion of automatic updating of files to reflect changing information.

Applicant asserts on page 16 that the references do not teach pre-specified data types in a class, executable code, the use of fields and the use of a specifically named "MESSAGEDEFINITION" class. The Office respectfully disagrees, noting that the arguments presented by the Office above apply also. Additionally, the Office notes that a class is a data structure, and thus (as indicated by Applicant on page 15 at about line 5) the references teach pre-specified datatypes in a data structure, the specific data structure having been an obvious variant to one skilled in the art at the time of the invention. It was further implied that the software-based inventions described in the cited references were executable. Also, at least Burkett at Figure 4E teaches a list of fields as represented by nodes 421a, 422a and 423a and showing a pre-determined list of GUI fields associated with a panel, and column 4 lines 55-60 discussing the use of a conditional tag that acts as a flag to indicate whether a particular action is to take place (analogous to selecting a particular field). Additionally, the specific name chosen for a software entity, such as a class variable name, was an obvious variant to one skilled in the art at the time of the invention.

Applicant asserts on page 17 that the references teach generation of a pre-specified listing of datatypes. The Office respectfully disagrees. The pre-specified data types exist before DOM processing, and are merely "arranged" as nodes in a tree data structure, such an arrangement being well-known in DOM processing.

For these reasons, the Office maintains the rejections of the claims, as set forth in the previous Office Action. .



SHAHID ALAM
PRIMARY EXAMINER